IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7140 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PANDIT JAGDEEP JANAKRAJ

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 7140 of 2003

PARTY-IN-PERSON for Petitioner No. 1

MR.M.S. RAO, ASSISTANAT GOVERNMENT PLEADER for Respondent No. 1-1/3

CORAM : HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 17/01/2004

ORAL JUDGEMENT

The present Special Civil Application is filed

challenging the communication of adverse remarks and rejection of representation by an order dated 2.4.2003. Mr.Pandit, Party in Person submitted that like the communications made by the authorities which were subject matter of Special Civil Application No.8143 of 2003, the communication dated 2.4.2003, Annexure 'C' to this petition is also a non speaking order. He submitted that representation dated 9.3.2001, a copy of which is produced at Annexure 'F' to the petition, was a detailed representation consisting of as many as 20 pages, still the same is rejected by a non speaking order stating that, 'adverse remarks are maintained'. He submitted that the authorities were expected to set out the reasons for which the various contentions raised in the representations were not accepted by the authorities.

2. Only on the ground that order dated 2.4.2003 is a non speaking order, the same is quashed and set aside. The authorities are directed to consider and decide the representation of the petitioner dated 9.3.2001 afresh by a speaking order latest by February 27, 2004 and communicate the decision to the petitioner by a 'Registered Post Acknowledgment Due' letter.

3. The present petition is allowed accordingly. Rule is made absolute to the aforesaid extent only. No order as to costs. Direct service is permitted.

(Ravi R. Tripathi, J.)

karim